

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * * * *

UNITED STATES OF AMERICA,)	
)	Case no. 3:11-CR-00017-LRH-VPC
Plaintiff,)	
)	<u>ORDER</u>
vs.)	
)	
REBECCA ARLENE LANDIS,)	
)	
Defendant.)	
_____)	

Before the court is defendant, Rebecca Arlene Landis' Motion for Early Termination of Probation/Supervised Release (#99¹). The Government has opposed (#103) and the Probation Office has also stated its opposition.

This is a troublesome case because of the aggravated nature of the offense, Possession with Intent to Distribute a Controlled Substance (methamphetamine), a very serious offense which carried a maximum prison sentence of up to twenty years in prison.

The underlying offense involved possession of a sizeable quantity of methamphetamine which was possessed by defendant and her husband on the Walker River Indian Reservation for purposes of sale. Both the defendant and her husband appeared to be under the influence of methamphetamine at the time of their arrest and defendant's personal history indicated prior felony convictions for burglary, possession of a Schedule Two controlled substance (cocaine), and felony hit and run while driving under the influence of intoxicants. Although Mrs. Landis' prior convictions were all dated in the early nineteen nineties, they are consistent with a history of substance abuse throughout her adult life.

¹ Refers to the court's docketing number.

1 Defendant was sentenced by the court on December 19, 2011, and was given the benefit
2 of probation notwithstanding a recommendation for a prison sentence in her case due to the
3 aggravated nature of the offense and the Sentencing Guidelines applicable to her. This judge is an
4 experienced District Court judge and has sentenced many defendants upon convictions of the
5 felony offense of Possession with Intent to Distribute a Controlled Substance, most often
6 methamphetamine. The court can recall no other case for such a conviction in which probation
7 was granted to the defendant.

8 In defendant's case, she was given probation principally because of the family needs of
9 her children, in particular a fifteen year old son who suffers from a serious disorder.

10 Although it appears that Mrs. Landis has been compliant with the conditions of her
11 probation, it also appears that she is currently unemployed, struggling to make ends meet, and the
12 instability of her future and employability are not clearly resolved. The Probation Office notes
13 that these risks create a possible risk to Mrs. Landis' own health and well-being, as well as that
14 of the community, if she were to fall back upon drug use or selling drugs.


15 Given the recommendations of the United States Attorney's Office, the Probation Office,
16 and GOOD CAUSE APPEARING,

17 Defendant's Motion for Early Termination of Probation/ Supervised Release (#99) shall
18 be denied. However, if Mrs. Landis' personal situation has improved markedly, and she has
19 remained compliant with all conditions of her probation, the court would consider another
20 application for early termination from probation in 2016.

21 IT IS HEREBY ORDERED that defendant's Motion for Early Termination of Probation/
22 Supervised Release (#99) is DENIED.

23 IT IS SO ORDERED.

24 DATED this 9th day of February, 2015.


LARRY R. HICKS
UNITED STATES DISTRICT JUDGE